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GOOGLE LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, *et al.* individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688 RS

**APPENDIX A TO GOOGLE LLC'S REPLY
ISO MOTION TO EXCLUDE SUNDAR
PICHAI FROM TESTIFYING AT TRIAL
[DIT 471]**

Date: May 9, 2025

Time: 2:00 p.m.

Ctrm: A - 15th Floor

Judge: Magistrate Judge Alex G. Tse

Action filed: July 14, 2020

Trial Date: August 18, 2025

APPENDIX A

Plaintiffs' Exhibit	Plaintiffs' Claim	Subject Matter of Exhibit
Ex. 1	In 2014, before Mr. Pichai was Google's CEO, Google worked on revamping its "user controls." Throughout 2014, Mr. Pichai met with other Google employees to discuss what the new iteration of these Google settings would be called and how Google would describe them to its users. Opp. at 4, 13.	Project called "[REDACTED]." ."
Ex. 2	Mr. Pichai's review was critical to approval of the "[n]ew setting language and UI [user interface]." Opp. at 4.	New Footprints setting language and user interface.
Exs. 3-4	Among the user controls Mr. Pichai worked on revamping were the predecessors to WAA, called "Search History" and "Web History." Opp. at 4.	<ul style="list-style-type: none"> • When Mr. Pichai was in charge of Chrome, he asked to change the name of "Web History" to "Web Activity." • Mr. Pichai approved the text in User Data Controls, which refers to Account settings broadly, of which Web Activity was just one setting.
Ex. 5	Mr. Monsees said that he "would not be surprised if [Mr. Pichai] would have been in a review or discussion" about the sWAA subsetting, but he couldn't "recall the exact details" of their discussion. Opp. at 9.	Plaintiffs leave out critical portions of David Monsees's testimony, where he states that it makes sense for Mr. Pichai to have been involved in discussions about sWAA when he was in charge of Chrome because that setting "also impacts Chrome," and notes "obviously ... it's quite outside of Google Analytics for Firebase." Ex. 5 at 62:10-63:2.
Ex. 6	Mr. Pichai was deeply involved in this process because, at the time, he led Google's most prominent web-based brand: Google Chrome, its web browser. Opp. at 4.	This Exhibit is Mr. Pichai's bio, which corroborates Mr. Pichai was in charge of Chrome before he became CEO.

APPENDIX A

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Ex. 7	<ul style="list-style-type: none"> Google acquired Firebase in 2014. Opp. at 4. Mr. Ma referenced other decisions that were made when he was not in the room that he could not testify to. Opp. at 9–10. 	Francis Ma had discussions with Mr. Pichai about acquiring Firebase to offer developers a comprehensive set of tools. Mr. Ma also states he does not know whether Mr. Pichai made decisions relating to the integration of Firebase with the Google Mobile Platform.
Exs. 8–12.	Mr. Pichai personally 'sponsor[ed]' Firebase and its predecessor, which was called Google Mobile Platform. Opp. at 5.	These Exhibits show Mr. Pichai had high-level participation in a business decision about the Firebase acquisition.
Exs. 13–18, 20–22, 34–37	Mr. Pichai Was Personally Involved with Google's Response to Public Controversy about the WAA Setting, Which Included Testifying to Congress. Opp. at 6–7.	<ul style="list-style-type: none"> These exhibits are about location data. Exs. 15, 22, 36 and 37 do not mention Mr. Pichai. All but Ex. 21 come from cloned productions from the location cases.
Ex. 19	Mr. Pichai convened many meetings about the AP story and received full briefings on the WAA setting. Opp. at 6.	The only mention of Mr. Pichai in this Exhibit states: "Auto (Sam)-- Sundar review last week, ... Volvo moving ahead pretty well." Ex. 19 at -084. This appears to be related to the automobile industry and makes no mention of WAA.
Ex. 23	Mr. Pichai's testimony was false as it relates to Google's collection of information on non-Google apps. Opp. at 6–7.	Plaintiffs recognize that it was the logging of location that led to this Congressional Hearing. Opp. at 6. Mr. Pichai made high-level statements about Google's general privacy practices.
Ex. 24	Google admitted that it uses Firebase to collect and save information about what users do on non-Google apps even when they turn off WAA.	<ul style="list-style-type: none"> The statement Plaintiffs cite relates to Google Analytics for Firebase, not Firebase. Ex. 24 at 5. This Exhibit does not mention Mr. Pichai.
Ex. 25	<ul style="list-style-type: none"> Eric Miraglia testified that "Google does not offer any setting like what Mr. Pichai described." Opp. at 7. 	<ul style="list-style-type: none"> Mr. Miraglia testified he is not aware of a "Google control that would just full stop Google from collecting any data

APPENDIX A

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	<ul style="list-style-type: none"> Mr. Miraglia also “admitted that Mr. Pichai reviewed and commented on related privacy initiatives.” Opp. at 10. 	<p>about a user's app activity.” Ex. 25 at 96:2–97:6.</p> <ul style="list-style-type: none"> Mr. Miraglia's comments about “related privacy initiatives” are about Narnia 2.0, a project to address privacy-related issues broadly. Santacana Decl. Ex. C (Miraglia Tr.), at 57:20–58:16. As Mr. Miraglia testified, he is “not familiar with the interaction between WAA and Firebase.” <i>Id.</i> at 54:12–13.
Exs. 26, 43	Mr. Heft-Luthy called an answer Mr. Pichai gave during the Congressional hearing “not great.” Opp. at 7. His deposition “showcased the lengths to which Google employees will go to protect its CEO.” Opp. at 10–11.	Sam Heft-Luthy’s comment related to Mr. Pichai’s answer to a question about “Android data,” not GA for Firebase data.
Exs. 27–30, 38, 40	<ul style="list-style-type: none"> Mr. Pichai sponsored new “retention controls” that purport to give users options about how long Google keeps their web and app activity data. Opp. at 8. Advisors working under Mr. Pichai’s supervision drafted talking points for Mr. Pichai emphasizing how Google “giv[es] you choice and control,” including “on/off controls.” Opp. at 8–9. In 2020, Mr. Pichai authored an article claiming that “[p]rivacy is at the heart of everything we do” and that Google “put[s] you in control ... on your terms,” using WAA as an example of how Google treats “your information responsibly.” Opp. at 8. 	These Exhibits relate to changes to retention controls in WAA, which control how long Google keeps WAA-on data. <i>See</i> Ex. 27 at -702; Ex. 40 at 3.
Exs. 31–32	Mr. Pichai directed teams to change Google’s privacy settings to make	These emails discuss “a simplification of ... privacy settings ... for Activity Controls to support the Sundar privacy moment.” None of the changes presented

APPENDIX A

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	them appear as simple as possible. Opp. at 8.	(Voice & Audio Activity, Device Information, and YouTube settings) relate to GA for Firebase data.
Exs. 33, 39, 41	<ul style="list-style-type: none"> • Mr. Pichai directed teams to change Google's privacy settings to make them appear as simple as possible. Opp. at 8. • Pichai wrote an op-ed in the New York Times claiming that Google "give[s] you clear, meaningful choices around your data" and that "you get to decide how your information is used." Opp. at 9. • In his written remarks to Congress, Mr. Pichai played the same old tune: "Google is committed to . . . putting you in control of what you choose to share." Opp. at 9. 	These are high-level statements made by Mr. Pichai about Google's general privacy practices.
Ex. 42	Mr. Fair testified that he sometimes submitted presentations and proposals to Mr. Pichai, including about WAA. Opp. at 10.	Mr. Fair's cited testimony relates to the auto-deletion (retention control) setting in WAA. Ex. 42 at 211:20–213:20.
Ex. 44	Mr. Pichai "was intimately involved with reviewing and revising the messaging to focus on new WAA features that reinforce a user's 'choice and control.'" Opp. at 13.	The "new WAA features" relate to Maps, the Android Google Search App, and the autodelete (data retention) function, not GA for Firebase. The statement that Mr. Pichai was "intimately involved" with reviewing these features is not borne out by the document.